

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Gary Perez and Matilde Torres
Plaintiffs

vs.

City of San Antonio
Defendant

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CIVIL ACTION NO. 23-CV-00977-FB

CITY OF SAN ANTONIO'S ADVISORY TO THE COURT

TO THE HONORABLE FRED BIERY,
UNITED STATES DISTRICT JUDGE:

1. Defendant City of San Antonio (the "City") advises the Court that the City opposes Plaintiffs' Emergency Motion for Injunction Pending Appeal [DKT. No. 54] filed at 6:03 p.m. on Monday, October 16, 2023. The City plans to file a Response on or before Thursday, October 19, 2023 at 4:00 p.m.
2. Further, in the Opinion and Order [DKT. No. 52], the Court indicated it would await further advice from counsel "concerning all-night ceremonies involving consumption of peyote..." In response, the City advises the Court that generally, the Park is closed from 11:00 p.m. – 5:00 a.m. daily. See Tr. 90:20-22 – Testimony of Gary Perez ("Q. You're aware, of course, that the park closes every night between 11:00 p.m. and 5:00 a.m, correct? A. Yes, ma'am.") See also, the following link entitled Park Safety & Rules:

<https://www.sanantonio.gov/ParksAndRec/Parks-Facilities/Park-Safety-Rules>

3. As noted in the Rules, exceptions to the curfew for special events may be made. In fact, as shown by Defendant's Exhibit 30, the City granted Plaintiff Matilde Torres' request in 2022 for a permit for "Overnight Teepee Camp." On information and belief, a similar permit was issued for overnight usage on Indigenous Peoples Day this year. It is unknown whether peyote has been consumed in such events.

Respectfully submitted,
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ATTORNEYS FOR DEFENDANT
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CERTIFICATE OF SERVICE

This is to certify that on the 18th day of October, 2023, a true and correct copy of the foregoing document has been forwarded via electronic service through the Court's CM/ECF system to all counsel of record.

/s/ Fred R. Jones

Fred R. Jones